

UNITED STATES DISTRICT COURT

for the

Southern District of New York



RAMON GARCIA

Plaintiff

v.

PEARSON EDUCATION, INC.

Defendant

Civil Action No.

15-7289

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

PEARSON EDUCATION, INC.
330 Hudson Street
New York, New York 10013

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Law Office of William J Rita
291 Broadway, Suite 1616
New York, New York 10007

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

September 15, 2015

Signature of Clerk or Deputy Clerk

Law Office of William J Rita
291 Broadway
Suite 1616
New York, New York 10007
Tel.: 212-766-1001
Fax: 212-766-5645
E-mail: Nycbanklaw@aol.com
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAMON GARCIA,

Plaintiff,

Docket No.: 7289 /2015

vs.

PEARSON EDUCATION, INC.

Defendant.

**COMPLAINT-EMPLOYMENT
DISCRIMINATION BASED ON RACE,
NATIONAL ORIGIN, DISABILITY
AND RETALIATION**

JURY TRIAL REQUESTED

Plaintiff, RAMON GARCIA, by his attorney, William J Rita, as and for his complaint against the Defendant herein, alleges, upon personal knowledge and upon information and belief as to all other matters:

JURISDICTION AND VENUE

1. This action is brought against Defendant, Pearson Education, Inc. ("PEI") for its violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq., and against all Defendants pursuant to the New York Executive Law, the Human Rights Law, § 290 *et seq.*, and any other cause of action which can be inferred from the facts set forth herein.
2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.
3. Venue is proper pursuant to 28 U.S.C. § 1391.

4. All prerequisites to the institution of this action have been met. A charge of discrimination was duly filed with the EEOC and a Right to Sue letter was issued on August 24, 2015. This action is filed within 90 (ninety) days thereof.

PARTIES

5. Plaintiff, Ramon Garcia ("Ramon"), was and still is a resident of New York County, City and State of New York.

6. Defendant, PEI, at all times hereinafter mentioned, maintains a place of business including a distribution center at 258 Prospect Plains Rd, Cranbury, NJ 08512. Plaintiff is employed at the PDI, located at 258 Prospect Plains Rd, Cranbury, NJ 08512.

BACKGROUND FACTS

7. Ramon Garcia is a Hispanic man of Dominican Origin who is fluent in two languages: Spanish and English.

8. On or about March 2004, Ramon Garcia was hired by PEI as a worker in a receiving department of the distribution center.

9. Throughout his tenure at PEI from 2004 through present, Ramon has received for, the most part, satisfactory annual evaluations.

10. In 2015 and for a period of time prior thereto, Ellen Farrell was ("Farrell") a direct supervisor for the department that Ramon worked in.

11. Starting on or about June 2011, Ramon was assigned office duties at PEI. As a consequence of defendants' harassment and retaliatory actions, Ramon was sent back to the warehouse floor.

12. On June 26, 2014, Ramon complained to the safety manager Hector Rivera concerning the failure to properly maintain maintenance schedules for forklift equipment on the distribution floor.

13. Ramon also notified OSHA of the dangerous safety conditions at the Cranbury New Jersey plant.

14. As a result Ellen Farrell accused Ramon of breaking the chain of command.

15. PEI regularly disputed Ramon's requests for sick leave and routinely asked him to produce doctor's notes. Moreover, the supervisor regularly reprimanded Ramon and other Spanish speaking workers for no reason other than their knowledge and use of the Spanish language. On more than one occasion, the supervisor accused Ramon of faking illnesses.

17. In February, 2015, Ramon filed a complaint of discrimination based on race and retaliation with the U.S. Equal Employment Opportunity Commission ("USEEOC"). USEEOC assigned Ramon's complaint an EEOC charge number 520-2015-01180.

18. On August 24, 2015 the Office of Equal Employment Opportunity Commission terminated its processing of the charge and issued Ramon Garcia a notice of right to sue.

19. Based on the foregoing, Ramon has suffered a loss of earnings and benefits, future earnings and benefits, emotional damages and physical damages. Plaintiff is thus entitled to all forms of applicable compensatory damages, equitable relief, and any other damages and/or remedies under state and Federal law as a result of the unlawful discrimination to which he was subjected by the Defendant on the basis of her race/color, national origin, and/or in retaliation for his complaints of discrimination in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e; the New York State Executive Law, the Human Rights Law, Section 290, *et seq.*, as well as other applicable federal, state, and local laws.

CLAIMS FOR RELIEF

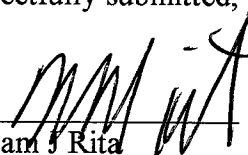
20. Defendant, PEI, took the aforementioned acts of discrimination, harassment, and/or retaliation based on Plaintiff's race/color, national origin and due to Plaintiff's complaints of discrimination. As such, Defendant, PEI, is in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000-e, *et seq.*, and the New York State Executive §290 *et seq.*

21. As more fully set forth above, the Individual Defendants aided, abetted, incited, compelled, and/or coerced the aforementioned unlawful conduct in violation of New York State Executive Law, Human Rights Law § 296(6).

WHEREFORE, Plaintiff demands judgment against defendant for all compensatory, emotional, physical, and punitive damages, lost pay, front pay, injunctive relief, reinstatement and any other damages permitted by law. It is further requested that this Court grant reasonable attorneys' fees and the costs and disbursements of this action and any other relief to which Plaintiff is entitled. Plaintiff demands a trial by jury.

Dated: New York, New York
September 15, 2015

Respectfully submitted,



William J. Rita